

TITLE 430 - STATE RECORDS ADMINISTRATOR

Chapter 1 - DEFINITION OF TERMS

001 The following definitions shall be applied to and are construed to define terminology that exists in the Records Management Act, R.R.S. 1943, section 84-1201 through 84-1220, and all additions and amendments thereto, and terminology that exists in the Rules and Regulations of the State Records Administrator.

001.01 Agency shall mean any department, division, office, commission, court, board, or any other unit or body, however designated, of the state government or of the government of any local political subdivision.

001.02 Agency head shall mean the chief or principal officer or representative in any such agency, or the presiding judge of any court, by whatever title known; and when an agency consists of a single official, the agency and the agency head are one and the same.

001.03 State Agency shall mean an agency of state government; local agency shall mean an agency of a local political subdivision.

001.04 State Executive Agency shall mean an agency of the executive branch of state government, including all administrative offices and bodies operating within the executive branch. When an administrative office or body is charged with varied functions of executive and legislative or judicial functions, it shall be considered a state executive agency, unless expressly declared by general law to be an instrumentality of the legislative or judicial branch.

001.05 Local Political Subdivision shall mean any county, city, village, township, district, authority, or other public corporation or political entity, whether existing under charter or general law, except that a metropolitan class city or a district or other unit which is considered to be an integral part of state government is not included in the term.

001.06 Record shall mean any book, document, paper, photograph, microfilm, sound recording, or other material regardless of physical form or characteristics, made or received pursuant to law, charter, ordinance, or other authority, in the connection with the transaction of official business.

001.07 State record shall mean a record which normally is maintained within the custody or control of a state agency, or any other record which is designated or treated as a state record according to general law.

001.08 Local record shall mean a record of a local political subdivision or any agency thereof, unless designated or treated as a state record under general law.

001.09 Court record shall mean a record maintained by any court existing pursuant to the Constitution or statutes of Nebraska.

001.10 Legislative record shall mean a record created or maintained by the Legislature pursuant to the Constitution or statutes of Nebraska.

001.11 Essential record shall mean a state or local record which is within one or the other of the following categories and which shall be preserved pursuant to this Act: Category A: Records containing information necessary to the operations of government under all conditions, including a period of emergency created by a disaster, or: Category B: Records not within Category A, but which contain information necessary to protect the rights and interests of persons or to establish or affirm the powers and duties of state or local governments in the resumption of operations after a disaster.

001.12 Preservation duplicate shall mean a copy of an essential record, which is used for the purpose of preserving the record pursuant to the Records Management Act.

001.13 Disaster shall mean any occurrence of fire, flood, storm, earthquake, explosion, epidemic, riot, sabotage, or other conditions of extreme peril resulting in substantial injury or damage to persons or property within the state, whether such occurrence is caused by an act of nature or of man, including an enemy of the United States.

001.14 Nonrecord materials shall mean those materials not included within the definition of the word records.

001.15 The recommendation "retain permanently" shall mean that a record may not be destroyed, but shall not prevent the transfer of that record from the office of the legal custodian to the State Archives for preservation, or, if it is an essential record, to an area designated by the Administrator.

001.16 Administrator shall mean the State Records Administrator.

001.17 Board shall mean the State Records Board.

001.18 Durable medium shall be any information storage medium that is created by a durable process. A process shall be the combination of hardware, software, storage media, techniques and procedures used to manage, create, store, retrieve, and delete information belonging to the custodian agency. A process shall be a durable process if it meets the criteria set forth in 001.18A through 001.18G:

001.18A The process is capable of creating and storing information for the required records retention period as specified by the Records Retention and Disposition Schedules approved by the State Records Administrator and the State Archivist.

001.18B The process can be migrated to a successor process when necessary and will retain all information available in the original process after migration to the successor process.

001.18C The process maintains the integrity of information in a readily accessible manner, makes it retrievable, makes it processable through an established usual or routine set of procedures using available hardware and software, and makes it accurately reproducible in a human-readable form as determined by the needs of the custodian agency.

001.18D The process provides for disaster recovery backups, which are periodically, depending on a retention schedule, verified for restorability and readability, and can be stored in a separate geographical location from the original information.

001.18E The process is demonstrated to create and maintain information for the retention period as specified, in an accurate, reliable, trustworthy, dependable and incorruptible manner.

001.18F The process allows the removal of information when it reaches the end of its required retention period.

001.18G The process is documented so as to demonstrate to a reasonable person compliance with these criteria.

001.18H Written Best Practices and Procedures may be developed as voluntary guidelines for use by any agency in furtherance of implementation of the above definition of durable medium, as it relates to records retention and disposition schedules. Any Best practices and Procedures developed are guidelines only and do not have the force and effect of rule and regulation or law.

